

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

James Sharkey,

Petitioner,

v.

Brian Williams, et al.,

Respondents.

Case No.: 2:20-cv-00253-KJD-DJA

Order

This is a federal habeas proceeding under 28 U.S.C. § 2254 brought by James Sharkey challenging his state court conviction for battery constituting domestic violence. Before the court are Sharkey's motion for appointment of counsel (ECF No. 42) and respondents' requests for additional time (ECF Nos. 50, 57) to file an answer to the remaining claims in Sharkey's habeas petition.

Sharkey filed a previous motion for appointment of counsel when he filed his habeas petition initiating this case. ECF No. 7. The court denied that motion based on finding that the "interests of justice" standard under 18 U.S.C. §3006A(a)(2)(B) had not been met. ECF No. 3. Sharkey has not advanced compelling reasons for this court to deviate from that decision. In addition, he has demonstrated the ability to adequately present his factual and legal arguments in

1 this case. *See LaMere v. Risley*, 827 F.2d 622, 626 (9th Cir. 1987). Accordingly, his renewed
2 motion for appointment of counsel will be denied.


3 Respondents have twice requested additional time to file an answer to the remaining
4 claims in Sharkey's habeas petition. ECF Nos. 50, 57. With both requests, respondents provide
5 good cause for extending the court's deadline. In addition, the court is satisfied respondents did
6 not file the requests for the purpose of unduly delaying these proceedings.

7 IT IS THEREFORE ORDERED that Sharkey's motion for appointment of counsel (ECF
8 No. 42) is DENIED.

9 IT IS FURTHER ORDERED that respondents' motions for extension time (ECF Nos. 50,
10 57) to file an answer to the remaining claims in Sharkey's habeas petition are GRANTED.
11 Respondents shall file their answer within **45 days** of the date this order is entered. Sharkey shall
12 have **60 days** from the date on which the answer is served on him to file and serve a reply.

13 IT IS FURTHER ORDERED that respondents' motions for extension of time (ECF Nos.
14 43, 45) to file a response to Sharkey's motion for appointment of counsel are GRANTED *nunc*
15 *pro tunc* as of their respective filing dates.

16 Dated: December 10, 2021.

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18 U.S. District Judge Kent J. Dawson
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